***IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH***

***Criminal Revision No. 1817 of 2007 (O&M)***
***Date of Decision: March 29, 2010***

***Sadhu Singh and others .....Petitioners***

***Versus***

***State of Punjab .....Respondent***

***Coram: Hon'ble Mrs. Justice Sabina***

***Present:*** Mr.H.S.Gill, Senior Advocate with
Mr.R.S.Dhiman,Advocate
for the petitioners.
Mr. Amandeep Singh, Additional Advocate
General, Punjab.
Mr.S.M.Sharma,Advocate for the complainant.

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***Sabina, J.***

Petitioners were convicted and sentenced by the Judicial Magistrate Ist Class Kharar for offences under Sections 420, 467,468, 471 read with Section 120-B of the Indian Penal Code (`IPC' for short) vide judgment/order dated 15.10.2005. Aggrieved by the same, petitioners preferred an appeal wherein the Additional Sessions Judge-cum- Presiding Officer, Fast Track Court, Rup Nagar maintained the conviction but reduced the sentence under Section 467 IPC from three years to two years while maintaining the conviction of accused-Sadhu Singh and Jaswinder Singh under Section 471 IPC vide judgment dated 24.8.2007. Hence, the present revision petition by petitioners.

The brief facts of the case, as noticed by the Appellate Court in paras 2 to 4 of its judgment, is as under:-

"2. The brief facts of this case are that a complaint was filed by complainant Ram Singh against four persons namely Sadhu Singh, Jaswinder Singh, Gurmail Singh and Mewa Singh u/s 420, 471 an 120-B in the court of JMIC Kharar. In this complaint the complainant mentioned that Nagina Singh had four sons and four daughters namely Sadhu Singh, Sarwan Singh, Bakshish Singh and Gurbaksh Singh. Sarwan Singh and Bakshish Singh have no issue and Gurbaksh Singh had three daughters. In order to grab the property the accusd conspired together and executed two sale deeds to be executed by Mehar Kaur and Pritam Kaur. Mehar Kaur died on 15.6.1986 and sale deed on her behalf was executed on 15.9.1993. Pritam Kaur did not appear before the sub-registrar and the sale deeds were not thumb marked by Pritam Kaur and Mehar Kaur and accused committed as offence of forgery, impersonation. The accused no. two is the son of accused no.1 and a special power of attorney was obtained in favour of accused no.2 on behalf of Pritam Kaur and Mehar Kaur. The accused no. 3 and 4 signed the sale deeds as marginal witnesses. An affidavit was also forged on behalf of Mehar Kaur and Pritam Kaur. On these facts the present complaint was filed.

3. This complaint was sent to the police u/s 156(3) Cr.P.C. for inquiry. An inquiry was conducted and report was submitted by the police and case u/s 420, 467, 468. 471, 120-B IPC was registered and investigation was conducted. After the completion

of investigation the challan against the six accused was presented in the court of JMIC Kharar, where the copies of relevant documents were supplied to the accused as provided u/s 207 Cr.P.C.

4. The accused were heard on charge and finding prima facie case made out against the accused, the charge u/s 120B, 467,468, 471 and 420 IPC was framed. The charges were read over and explained to the accused, who pleaded not guilty and claimed trial".

Learned counsel for the petitioners, during the course of arguments, has not challenged the conviction of the petitioners-Jaswinder Singh, Gurmail Singh and Mewa Singh under Section 467 IPC and conviction of petitioner-Jaswinder Singh under Section 471 IPC .

Learned counsel for the petitioners has submitted that all the petitioners have undergone about 3½ months of actual sentence. Complainant had no concern with the suit property. Sons of deceased-Mehar Kaur appeared in the witness box as DW2 and DW3 and deposed that the sale deed in question had been executed by their mother. DW4 Kehar Kaur, sister of deceased-Mewa Kaur has stated that the sale deed had been executed by all the sisters including Mewa Kaur. Learned counsel for the petitioners has further submitted that the sentences qua imprisonment of the petitioners be reduced to already undergone by them as they are facing the criminal proceedings since the year 1994.

Learned counsel for the complainant, on the other hand, has submitted that sentences qua imprisonment of the petitioners were not liable to be reduced to already undergone by them as the offences

committed by them are serious in nature.

Keeping in view the submissions made by the learned counsel for the petitioners, it would be just and expedient to reduce the sentence of the petitioners qua imprisonment to already undergone by them.

Accordingly, the conviction of the petitioner-Jaswinder Singh is maintained under Sections 467 and 471 IPC and conviction of the petitioners-Gurmail Singh and Mewa Singh is maintained under Section 467 IPC. However, the sentences qua the imprisonment of the petitioners are reduced to already undergone by them. Fine as imposed by the courts below if not already deposited be deposited within two months from today failing which this petition shall stand dismissed.

Petition stands disposed of accordingly.

**(Sabina)**
**Judge**

**March 29, 2010**
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